



United States Department of the Interior



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EMS TRANSMISSION
Instruction Memorandum No. NV-2014-019
Expires: 09/30/2016

To: District Managers and Field Managers, Nevada

From: Amy Lueders, State Director

Subject: Guidance for Permitting 3809 Plans of Operation

Program Guidance: Mining Law Administration, Surface Management

Purpose: To provide guidance intended to improve the efficiency and effectiveness of processing mine Plans of Operation.

Policy/Action: The Bureau of Land Management (BLM), in its ongoing efforts to improve mine permitting efficiencies, encourages the implementation of a “Pre-Plan of Operations” phase as part of the Plan of Operations (PoO) review process. The BLM should be available to meet with the operator and other local, state or federal agencies including the Environmental Protection Agency that may be involved in the approval process to discuss: 1) what to include in the PoO; and 2) what may be needed to support the National Environmental Policy Act (NEPA) analysis, especially for large projects. It may be beneficial to all parties for the BLM to informally review a pre-plan, conceptual plan or study plan prior to the formal filing of a PoO to give the operator guidance on what to include in their submission and how the review process will be conducted. The BLM has already taken steps to improve state-wide consistency, effectiveness, efficiency and defensibility associated with processing and permitting PoOs by issuing NV IM-2013-046 - Rock Characterization and Water Resources Analysis as well as other guidance. In addition, the BLM entered into a Memorandum of Understanding (MOU) with the Nevada Division of Environmental Protection and the Forest Service to improve coordination and expedite administration and enforcement of respective authorities (MOU -NV920-2014-01).

In order to improve the permitting process, the BLM will recommend a Pre-Plan of Operations phase in the permitting of PoOs or a major modification to an existing PoO with the operator. An outline is included in Attachment 1-1. Field managers will be required to notify operators of this process and encourage Pre-Plan of Operations coordination with the BLM as well as other state and federal agencies in accordance with this policy. Operators will be informed of the potential delays in the permitting process if they elect not to engage and coordinate with the BLM in advance of the submission of a PoO). Although, not guaranteed, operators participating in this Pre-Plan of Operations process may realize a more efficient and timely post PoO) submittal permitting process. Field Managers will also inform the operators that the BLM will not begin the environmental review of a PoO under NEPA until the PoO

submittal is considered complete. The intent of this policy is to ensure that a PoO developed by the operator is supported by the required baseline reports and the NEPA process commences only after the operator has provided the BLM with the information needed to determine that the PoO is complete and can commence analysis of the environmental impacts. Although the need for additional information may be identified through the NEPA process, this policy will ensure that all obvious baseline studies are completed and submitted to the BLM prior to beginning the NEPA process; thus saving the operator time throughout the NEPA process.

Timeframe: Immediately upon receipt.

Background: The BLM often experiences permitting delays for a variety of reasons. One cause for delay is the submitted of PoOs to the BLM that are accompanied with little to no supporting baseline information. The BLM determines that PoOs are complete pursuant to 3809.401. However, the BLM often determines that PoOs are complete but recognizes that some components of the PoO may need to be substantiated or revised later in the NEPA process once additional information is obtained. This process unfortunately allows for extensive and costly delays throughout the NEPA review process while the operator, the BLM and cooperating agencies await the preparation and submittal of additional baseline studies and reports.

In most cases, operators make financial and operational commitments to proceed with the development of a PoO years in advance of a formal submittal to the BLM. Once operators have developed a conceptual design of their proposed operation, permitting efficiencies can be attained by pre-planning the testing and characterization studies with the BLM and other state and federal agencies. A thoroughly pre-planned PoO with the appropriate baseline data should eliminate the above mentioned delays. This Instruction Memorandum is intended to require the BLM Nevada to initiate, at the earliest possible stages of mine planning and development, coordination with the operator and the appropriate agencies to expedite the mine permitting process.

Budget Impact: If the operator chooses to participate in Pre-Plan of Operations coordination, the BLM may realize budget efficiencies.

Manual/Handbook Sections Affected: Advanced pre-planning meetings are encouraged and are in conformance with the 43 CFR 3809 Surface Management Handbook.

Coordination: Appropriate state and federal agencies.

Contact: If you have any questions, please contact Scott Murrellwright, Solid Minerals Program Lead, Minerals Management at 775-861-6581.

Signed By
Marci L. Todd
Acting State Director

Authenticated By
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Attachment

[1 – Pre-Plan of Operations Process \(1 pp\)](#)